

### REMARKS

The Office Action of August 7, 2006 has been carefully considered.

Objections have been raised to the Abstract and Specification, and the appropriate corrections have been made.

Claims 1, 3-6 and 9 have been rejected under 35 USC 102(b) as anticipated by Taylor et al.

The invention is directed to a bone anchoring device comprising a bone anchoring element and a threaded shaft received within a head of the bone anchoring element. Spherical articulation means are provided between the element and the shaft. In addition, a rotational linkage means is provided between the element and the shaft. Thus, rotation of the element results in a corresponding rotation of the shaft. Correspondingly, when the element is mounted in a bone, it is locked in place and cannot rotate, and the shaft is prevented from rotation, also locked in place.

In Taylor et al, spherical articulation between an element and a shaft is shown, the spherical articulation provided by a ball 11 in a socket 12. Despite the allegation in the Office Action, no rotational linkage is shown; the ball is free to rotate in the socket.

This is different from the invention, in which, for example, the element is provided with a rectangular protrusion 12 which fits into a corresponding socket 11 in the shaft, and prevents individual rotation of the shaft or the element.

As Taylor et al does not disclose any means for linking rotation of the element and the shaft, withdrawal of this rejection is requested.

Claims 1-8 have been rejected under 35 USC 102(b) as anticipated by Altarac et al.

Altarac et al is similar to Taylor et al in that it shows spherical articulation between an element and a shaft. In

addition, Fig. 5 is alleged to show rotational linkage means 70 and 72.

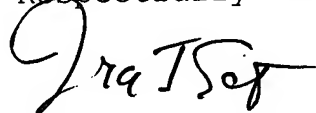
What Fig. 5 actually shows is a depression 74 formed in the head of the element, and a resilient spindle member 72 captured between the depression and a hollow recess 70 of the spherical head of the shaft, pressing the spherical head upwardly (see paragraph [0029]). While the shaft (the post) retains its ability to be variably angled, it is biased against the depression (the cavity of the cage), and more apt to stay in position in the cage before tightening.

There is no disclosure or suggestion that the spindle is anything but cylindrical, and similarly, the cavity is also cylindrical. In that case, there is nothing shown in Altarac et al which would prevent the element from rotation independently of the shaft.

Hence, Altarac et al does not disclose rotational linkage means, and withdrawal of this rejection is requested.

In view of the foregoing remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application is earnestly solicited.

Respectfully submitted,



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